

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF VIRGINIA

U.S.A. vs. Ronald Calix-Acosta

Docket No. 1:16PO2234

Petition on Probation

COMES NOW Elissa F. Martins, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Ronald Calix-Acosta, who was placed on supervision by the Honorable Theresa C. Buchanan, United States Magistrate Judge sitting in the Court at Alexandria, Virginia, on the 21st day of November 2016, who fixed the period of supervision at 1 year, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

See Page 2

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

See Attachment(s)

PRAYING THAT THE COURT WILL ORDER a summons to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

Returnable Date: 3/6/18 at 10:00 am

ORDER OF COURT

Considered and ordered this 2nd day of Feb
20 18 and ordered filed and made a part of the
records in the above case.

/s/
Theresa Carroll Buchanan
United States Magistrate Judge

Theresa C. Buchanan
United States Magistrate Judge

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on:

Elissa F. Martins

Digitally signed by Elissa F. Martins
Date: 2018.01.31 13:33:26 -05'00'

Elissa F. Martins
U.S. Probation Officer
(703) 299-2309

Place Alexandria, Virginia

OFFENSE: Driving Under the Influence, in violation of 32 CFR 234.17(c)(1)(i).

SENTENCE: On November 17, 2016, the defendant was sentenced to 1 year probation with the following special conditions: 1) The defendant shall participate in and successfully complete an alcohol treatment and/or education program at the direction of the probation officer; 2) Commencing November 17, 2016, and continuing for 1 year, the defendant may operate a motor vehicle only, (a) to and from work, (b) during the course of work, if required as incident of employment, (c) to and from this court, the probation office, and the alcohol treatment program; and 3) The defendant shall pay a \$300 fine, \$30 processing fee and \$10 special assessment within 90 days.

ADJUSTMENT TO SUPERVISION: The defendant's term of probation commenced on November 17, 2016. Mr. Calix-Acosta's adjustment to supervision has been unsatisfactory. His supervision was initially transferred to the District of Maryland as he reported he worked and lived in Maryland. The defendant was subsequently laid off from his employment and returned to Virginia to live with his father in Springfield, Virginia. The defendant's first appointment with this officer was on January 17, 2017. Mr. Calix-Acosta has been employed on a part-time basis with J.R. Roofing & Siding Co., Inc. in Springfield, Virginia. However, he reported he has not worked since December 2017, and planned to contact his employer about the possibility of returning to work. He rents a room with his father in a shared house in Springfield, Virginia. He paid the court ordered fine and fees on December 13, 2017. Mr. Calix-Acosta attended intakes at the Fairfax County Alcohol Safety Action Program (ASAP) and the Fairfax County Community Services Board (CSB). He is scheduled to begin ASAP classes on February 26, 2018. No additional treatment was recommended by the CSB.

PREVIOUS VIOLATIONS: On January 23, 2017, this officer submitted a Violation Report, requesting no action be taken. The report outlined that the defendant failed to report as directed and submitted a positive urine screen for the use of marijuana. As a result of the positive urine screen, the defendant was placed on the random urinalysis program through the probation office. Mr. Calix-Acosta signed a Probation Form 49 agreeing to the modification of his special conditions to include the following: The defendant shall participate in substance abuse testing and treatment as directed by the probation office. Your Honor approved the no action request and additional special condition on January 31, 2017.

On March 24, 2017, the undersigned submitted a Petition on Probation, advising the Court that the defendant was in violation of the following conditions of supervision: Failure to Report to the Probation Officer as Directed; Failure to Submit Monthly Supervision Reports as Directed; Failure to Participate in Alcohol and Substance Abuse Treatment as Directed; and Failure to Pay Fine and Fees as Directed. On March 27, 2017, the Court issued a warrant for the defendant's arrest. Mr. Calix-Acosta failed to report to, or communicate with this officer for several months. On July 26, 2017, the defendant was arrested on the warrant issued by Your Honor and a detention hearing was scheduled for July 27, 2017. On July 27, 2017, the defendant appeared before Your Honor and admitted to the violations outlined in the petition. Your Honor imposed 5 days' jail, with credit for time served, and extended probation for 6 months, totaling 18 months.

On December 14, 2017, the undersigned submitted a Petition on Probation to Your Honor, advising that the defendant was again in violation of his probation. Specifically, Mr. Calix-Acosta was in violation of the following conditions: Failure to Report to the Probation Officer as Directed; Failure to Follow the Instructions of the Probation Officer; Failure to Participate in Alcohol and Substance Abuse Treatment as Directed; and Failure to Pay Fine and Fees as Directed. The defendant appeared before Your Honor on January 2, 2018, for a violation hearing. The Court found the defendant in violation of his probation and modified his conditions of supervision to include twenty (20) days incarceration, to be served over ten (10) weekends. All other terms and conditions previously imposed remain in place.

VIOLATIONS: The following violations are submitted for the Court's consideration.

CONDITION 7: USE OF COCAINE.

On January 22, 2018, Mr. Calix-Acosta submitted a specimen which tested positive for cocaine. The sample was confirmed positive by GC/MS for benzoylecgonine – cocaine metabolite. The defendant denies any drug use.

EFM/cdp